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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,990	03/13/2001	Jin Soo Lee	24286/81651	9375

7590

06/15/2006

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/803,990	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Justin E. Shepard	2623	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 39-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 5/19/06 have been fully considered but they are not persuasive.

Page 9, paragraph 5 (referring to claim 39):

The applicant continues to argue that figure 4 does not show elements that are separate from the SHR. Figure 4 does disclose the separate elements (indicated by the line drawn between the objects). The rejection stands.

Page 9, last paragraph (referring to claim 39):

The applicant argues that the SHR could either be a "Tune Begin" or a "Tune End" SHR depending on the action. The applicant is mistaken in this interpretation of figure 4. The figure shows the format for the SHR (column 2, lines 49-50), and indicates that a SHR contains beginning and ending times for the tuning. The channel, program name, and program category are linked to the "Tune Begin" box because when the user stops watching a show it would be redundant to store this information again as it would be the same. The rejection stands.

Page 10, paragraph 3 (referring to claim 39):

The applicant argues that the date and time are not included with the SHR, but according to the specification (column 2, lines 49-50) this is the format of the SHR and therefore the SHR would contain date and time information.

Page 10, paragraph 4 (referring to claim 39):

The applicant argues that Seidman does not contain a reference identifier. Figure 4 shows data that is an identifier for the SHR. The rejection stands.

Page 11, paragraph 6 (referring to claim 44):

The applicant argues that the hyperlink is not included in the SHR. Figure 4 shows that the box is connected to the SHR with a line and therefore the hyperlink is included with the SHR. The rejection stands.

Page 12, paragraph 2 (referring to claim 44):

The applicant argues that the motivation to combine the references is not provided. A valid motivation was provided with the office action. The rejection stands.

Page 12, paragraph 6 (referring to claim 46):

The applicant argues that because Seidman does not disclose a reference identifier that this claim should be allowable. This argument was responded to above, and the rejection stands.

The rejections from the previous office action follow.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39, 40, 41, 42, 43, 48, 49, 50, 51, 54, 55, 56, and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Seidman.

Referring to claim 39, Seidman discloses a computer-implemented method for processing information related to multimedia consumption, the method comprising: collecting information about consumption of multimedia content (column 7, lines 41-43), the collected information identifying a first user action related to consumption of content in a multimedia program (figure 4, part 42 "Tune Begin"); and storing a usage history including a user action list that lists user actions and includes a first user action item corresponding to the first user action (figure 7), the first user action item including a reference identifier identifying a content description that is separate from the user action list (figure 4, parts 43-45) and specifies a genre of the multimedia program (figure 4, part 45).

Claims 48 and 54 are rejected on the same grounds as claim 39.

Referring to claim 40, Seidman discloses a method of claim 39, wherein the first user action item specifies a program identifier for the multimedia program, the program identifier including the reference identifier (figure 4, parts 44 and 45).

Claims 49 and 55 are rejected on the same grounds as claim 40.

Referring to claim 41, Seidman discloses a method of claim 40, wherein the program identifier includes a title of the multimedia program (figure 4, part 44).

Referring to claim 42, Seidman discloses a method of claim 39, wherein the first user action item specifies an action time identifying a time of occurrence for the first user action (figure 4, part 42 "Tune Begin").

Claims 50 and 56 are rejected on the same grounds as claim 42.

Referring to claim 43, Seidman discloses a method wherein the tuning beginning and ending times are recorded (figure 4, part 42). Seidman would have anticipated calculating the period of usage.

Claims 51 and 57 are rejected on the same grounds as claim 43.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 44, 45, 52, 53, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Drucker.

Referring to claim 44, Seidman does not disclose a method of claim 39, wherein the reference identifier defines a link to the content description.

Drucker discloses a method of claim 39, wherein the reference identifier defines a link to the content description (column 8, lines 47-50).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the description link from Drucker in the method disclosed by Seidman. The motivation would have been to modify the link disclosed by Seidman, which is used to get data on a person in the video (Seidman: column 7, lines 49-52), to give alternative information about the video.

Claims 52 and 58 are rejected on the same grounds as claim 44.

Referring to claim 45, Seidman does not disclose a method of claim 44, wherein the link includes a URL.

Drucker discloses a method of claim 44, wherein the link includes a URL (column 8, lines 47-50).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the description link from Drucker in the method disclosed by Seidman. The motivation would have been to modify the link disclosed by Seidman, which is used to get data on a person in the video (Seidman: column 7, lines 49-52), to give alternative information about the video.

Claim 53 is rejected on the same grounds as claim 45.

Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Arsenault.

Referring to claim 46, Seidman does not disclose a method of claim 39, wherein the content description specifies an actor of the multimedia program.

Arsenault discloses a method of claim 39, wherein the content description specifies an actor of the multimedia program (column 16, lines 64-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to expand the description of multimedia content as taught by Arsenault in the system disclosed by Seidman. The motivation for this would be to enable the device make a more informed choice when providing content to the subscriber (Arsenault: column 16, lines 59-61).

Referring to claim 47, Seidman does not disclose a method of claim 39, wherein the content description specifies a director of the multimedia program.

Arsenault discloses a method of claim 39, wherein the content description specifies a director of the multimedia program (column 16, lines 64-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to expand the description of multimedia content as taught by Arsenault in the system disclosed by Seidman. The motivation for this would be to enable the device make a more informed choice when providing content to the subscriber (Arsenault: column 16, lines 59-61).



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS



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